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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,831	03/13/2004	Amar Ghori	1300-SW-C2 (P263C2)	8502
7590	12/08/2005		EXAMINER HOM, SHICK C	
James J. Murphy P.O. Box 50784 Dallas, TX 75201			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,831

Applicant(s)

GHORI ET AL.

Examiner

Shick C. Horn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/2/05 have been fully considered but they are not persuasive.

In pages 11-12 of the Remarks/Arguments of 9/2/05, applicant argued that Hare does not teach or suggest transmitting digital data over a wireless link to the display appliance is not persuasive because Fig. 1 shows the transmission of data over a wireless link from the home office PC 2 to the TV 4, i.e. the display appliance; further, col. 15 line 52 to col. 16 line 11, which recite transmitting information over a digital link from the computer to the remote transceiver for input to the video monitor clearly anticipate transmitting digital data over a wireless link as claimed.

In page 11 of the Remarks/Arguments of 9/2/05, applicant remarked that a terminal disclaimer have been provided to obviate the obviousness-type double patenting rejection in view of U.S. Patent No. 6,243,772 is not persuasive because no terminal disclaimer has been provided.

2. Claims 57-76 are rejected under the judicially created doctrine of obviousness-type double patenting as being

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unpatentable over claims 1-2, 4-5, 7, 16, 20-22 of U.S. Patent No. 6,243,772. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:

For claims 57-76, claims 1-2, 4-5, 7, 16, 20-22 of U.S. Patent No. 6,243,772 disclose the method comprising the steps of: establishing a wireless communication link between an appliance unit and a personal computer configured to operate under the control of an operating system and one or more applications programs through a first transceiver communicatively coupled to the computer and a second transceiver communicatively coupled to the appliance unit through a control unit, the control unit including a decompression engine configured to decompress signals received across the wireless communication link and a compression engine configured to compress signals to be transmitted across the wireless communication link; and; providing an output display presentation on a display screen of the appliance unit based on first signals transmitted from the personal computer via the wireless communication link (see claim 1); wherein the step of establishing a wireless communication link comprises the step of establishing a spread spectrum wireless communication link (see claim 2);

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wherein the step of establishing a wireless communication link comprises the step of establishing a spread spectrum wireless communication link between the personal computer and a television (see claim 4);

further comprising the steps of: receiving input commands from an input device associated with the appliance unit; and forwarding the received input commands to the personal computer via the

wireless communication link (see claim 5);

further comprising the steps of: processing the input commands at the personal computer; and in response to the processing of the input commands, modifying an operation performed on the personal computer (see claim 7);

further comprising the step of composing audio-visual data prior to transmitting the second signals, wherein transmitting the second signals includes transmitting the audio-visual data (see claim 16);

wherein the step of establishing includes establishing an isochronous link (see claim 20);

wherein the step of establishing includes establishing a real-time link (see claim 21);

wherein the step of establishing includes establishing a multi-media link (see claim 22).

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For claims 57-76, the application's claims 57-58 and 67-68 merely broaden the scope of the U.S. Patent No. 6,243,772 claim 1 by eliminating the use of an operating system and one or more applications programs for control; and the decompression and compression engine in the control unit for transforming the digital data as in claims 57-58 and 67-68. The application's claims 59 and 69 merely broaden the scope of U.S. Patent No. 6,243,772 claim 2 by eliminating the use of an operating system and one or more applications programs for control; and the decompression and compression engine in the control unit for transforming the digital data as in claims 57-58 and 67-68. Likewise, the application's claims 60 and 70 merely broaden the scope of U.S. Patent No. 6,243,772 claim 20; the application's claims 61 and 71 merely broaden the scope of U.S. Patent No. 6,243,772 claim 5; the application's claims 62 and 72 merely broaden the scope of U.S. Patent No. 6,243,772 claim 21; the application's claims 63 and 73 merely broaden the scope of U.S. Patent No. 6,243,772 claim 22; the application's claims 64 and 74 merely broaden the scope of U.S. Patent No. 6,243,772 claim 7; the application's claims 65 and 75 merely broaden the scope of U.S. Patent No. 6,243,772 claim 4; and the application's claims 66 and 76 merely broaden the scope of U.S. Patent No. 6,243,772 claim 16. It has been held that the omission of a

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element and its function is an obvious expedient if the remaining elements perform the same function as before. In re Karlson, 136 USPQ (CCPA). Also note Ex parte Rainu, 168 USPQ 375 (Bd. App. 1969); omission of a reference element whose function is not needed would be obvious to one skilled in the art.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 57-59, 61, 63-69, 71, and 73-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Hare et al. (6,084,638).

Regarding claims 57, 67:

Hare et al. disclose the method and device of interfacing a computer with a display appliance through a digital wireless link (see abstract which recite the interfacing between a PC and a remote television for providing the PC data signals for display upon the television receiver and col. 3 lines 9-13 which recite the use of wireless transmission medium), comprising: coupling an input/output control unit of the display appliance to a transceiver of the display appliance; transmitting, by another transceiver of the computer, digital data from the computer to the transceiver of the display appliance through the digital wireless link; receiving, by the transceiver of the

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display appliance, the digital data from the computer through the digital wireless link (in Fig. 1 see transceiver 12 of the computer and transceiver 14 of the display appliance and col. 6 line 64 to col. 7 line 20 which recite the USB hubs for controlling I/O traffic); and transforming, by the input/output control unit, the digital data into information that is in a format capable of presentation by the display appliance (see col. 4 lines 5-17 which recite converting the PC signal format to a TV format to permit the PC display to be received and viewed on the TV receiver).

Regarding claims 58, 68:

Hare et al. disclose displaying, by the display appliance, display images based on the information (see col. 12 lines 43-65 which recite the PC graphical information being viewed by users at the TV receivers).

Regarding claims 59, 69:

Hare et al. disclose wherein the transmitting and receiving step further comprise: transmitting and receiving the digital data through a spread spectrum link (see col. 9 lines 53-67 and col. 16 lines 13-15 which recite the use of the spread spectrum link).

Regarding claims 61, 71:

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Hare et al. disclose wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through a digital radio frequency ("RF") link (see col. 13 line 62 to col. 14 line 4 which recite use of digital signal and radio frequency transmission).

Regarding claims 63-64, 73-74:

Hare et al. disclose wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through a multi-media link and wherein the digital data are commands of the computer and further comprising: forwarding the commands to the input/output control unit; and processing the commands, by the input/output control unit, to tailor the display images specifically for the display appliance (see col. 3 line 42 col. 4 line 4 which recite the use of a multi-media computer in the system including facsimile transmission, and systems which recognize scanned document character input or voice commands).

Regarding claims 65, 75:

Hare et al. disclose wherein the display appliance is a television and the format is a television format (see col. 4 lines 5-17 which recite converting the PC signal format to a TV format to permit the PC display to be received and viewed on the TV receiver).

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Regarding claims 66, 76:

Hare et al. disclose wherein the display appliance is an audio-visual equipment and the format is an audio-visual format for the audio-visual equipment (see col. 8 lines 57-67 which recite receiving audio and video signals from the PC).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

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order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 60, 62, 70, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare et al. (6,084,638) in view of Smyers et al. (6,233,637).

For claims 60, 62, 70, 72, Hare et al. disclose the device and method described in paragraph 5 of this office action. Hare et al. disclose all the subject matter of the claimed invention with the exception of wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through an isochronous link as in claims 60, 70; and wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through a real-time link as in claims 62, 72.

Smyers et al. from the same or similar fields of endeavor teach that it is known to provide wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through an isochronous link; and wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through a real-time link (see col. 1 line 61 to col. 2 line 18 in the background section which

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recite the use of a standard protocol that provides real-time and isochronous data packet transport). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through an isochronous link; and wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through a real-time link as taught by Smyers et al. in the communications device and method of Hare et al. The transmitting and receiving steps further comprise: transmitting and receiving the digital data through an isochronous link; and wherein the transmitting and receiving steps further comprise: transmitting and receiving the digital data through a real-time link can be implemented by using the real-time isochronous link of Smyers et al. in Hare et al. The motivation for using the real-time isochronous link as recited in Smyers et al. in the communication device and method of Hare et al. being that it provides more efficiency for the system and the added feature of isochronous transmission, respectively, in the system of Hare et al.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH

DANG TON
PRIMARY EXAMINER